



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
Certified Mail # 7003 2260 0005 1961 1711

In Reply Refer To:
EPA File No: 10R-04-R3

[REDACTED]

Re: Rejection of Administrative Complaint

Dear [REDACTED]

This letter is in reference to your July 3, 2004, administrative complaint filed with the U.S. Department of Agriculture (USDA) Office of Civil Rights. USDA referred your complaint to the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on October 22, 2004. Your complaint alleges that the Commonwealth of Pennsylvania Department of Agriculture violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's regulations implementing Title VI, found at 40 C.F.R. Part 7 through their commercial pesticide certification program. OCR has reviewed your complaint and must reject it for investigation, because it does not meet EPA's jurisdictional requirements for acceptance.

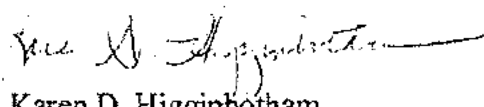
Under Title VI, a recipient of federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI implementing regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Title VI regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's Title VI regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b). Fourth, the complaint must be against an applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

Your complaint does not meet EPA's jurisdictional requirements necessary for acceptance because the Commonwealth of Pennsylvania, Department of Agriculture was not a recipient of EPA assistance at the time of the alleged discriminatory act. In addition, your complaint does not meet the necessary requirements for timeliness. Your complaint indicated that the alleged discriminatory act occurred on July 19, 2003.

However, your complaint to USDA was dated July 3, 2004. Thus, the described allegation occurred more than 180 days before you filed the complaint. EPA, therefore, cannot accept your complaint for investigation.

If you have any questions regarding this letter, please contact Ms. Karen Randolph of the OCR External Compliance Program by telephone at (202) 343-9679, via electronic mail at Randolph.Karen@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

cc: Dennis Wolff, Secretary
Commonwealth of Pennsylvania
Department of Agriculture

Stephen Pressman, Associate General Counsel
Civil Rights Law Office (MC 2399A)
Office of General Counsel

Daniel Isales, Title VI Coordinator
EPA Region 3